

REMARKS

Applicants respectfully request reconsideration and allowance in view of the foregoing amendment and the following remarks. Applicants amend claims 1, 8, and 24 without prejudice or disclaimer.

Objection to the Specification

The Office Action objects to the amendment filed 6 August 2008 because it introduces new matter into the disclosure. Applicants traverse this objection and submit that the amendment does not introduce new matter.

Applicants amend the specification to include an indication of certainty of the identity of the caller. The specification provides support for this amendment using logic from the Office Action. Applicants note that the Office Action concludes that the indication of certainty is “explicitly inherent without room for alternate interpretation” in Epstein et al. because Epstein et al. involves speech recognition and speaker verification. This analysis is actually opposite to the present argument in the Office Action that this amendment to the specification supposedly introduces new matter. Applicants submit that if the argument that Epstein et al.’s disclosure of the indication of certainty is “explicitly inherent without room for alternate interpretation”, then surely Applicants’ disclosure of the indication of certainty is also “explicitly inherent” and “without room for alternate interpretation” and thus not new matter. The specification discloses speech recognition and speaker verification which includes the concept of a matching score. Any other alternate interpretation of the arguments in the Office Action would be internally inconsistent. Accordingly, Applicants submit that the reasoning in support of the objection is not persuasive and request that the objection be withdrawn.

Rejection of Claims 1, 8 and 24 Under 35 U.S.C. §112

The Office Action rejects claims 1, 8 and 24 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants amend claim 1 and traverse this rejection. Applicants submit that claim 1 complies with the written description requirement using analysis and reasoning straight from the Office Action.

Applicants note that the Office Action argues on page 2 that the limitation of tagging each voicemail message with the respective identity and an indication of certainty is not taught in the specification. Applicants submit that this limitation is explicitly taught in the specification at page 7, line 25, which teaches “with respect to any of these factors, when the matching score does not exceed the matching score threshold, the voice message may be tagged as ‘unknown’ thereby requiring the user or subscriber to label the voice with a speaker tag if he/she wishes to store the message in a specific caller folder.” Further, even if the clear teaching of the specification is ignored, the limitation is also taught by the document from Douglas A. Reynolds, incorporated by reference at page 8, line 9. The Reynolds reference teaches that speaker verification includes a likelihood ratio from a given speaker. This likelihood ratio provides a gauge of certainty to the system regarding the verification. Therefore, Applicants submit that this limitation is both explicitly disclosed and inherently disclosed in the Reynolds reference which was incorporated in by reference and request that the rejection of the claims under 35 U.S.C. §112 be withdrawn.

Rejection of Claims 1, 4-5, 9-10, 24, 27-28 and 30-31 Under 35 U.S.C. §103(a)

The Office Action rejects claims 1, 4-5, 9-10, 24, 27-28 and 30-31 under 35 U.S.C. §103(a) as being unpatentable over Epstein et al. (U.S. Patent No. 6,327,343) (“Epstein et al.”) in

view of Kanevsky et al. (U.S. Patent No. 6,219,407) ("Kanevsky et al."). Applicants amend claim 1 to recite an additional limitation focusing on dealing with an unknown speaker.

Specifically, Applicants amend claim 1 to recite if the received indicated identity does not match any known identities, creating a storage folder for voice mail messages from the caller corresponding to the received indicated identity, and if the received indicated identity matches a known identity, modifying the known identity based on the received indicated identity. Support for this amendment is found in the specification in FIG. 2, 250; page 7, line 6; page 9, lines 11, 26; and page 9, lines 22-24. Epstein et al. do not teach or suggest this limitation. Epstein et al. teach the following at col. 8, lines 55-67:

If, on the other hand, the identity of the caller ultimately cannot be identified, the system 10 may be programmed to process the call based on an unknown caller (step 154) by, e.g., forwarding the call to a voice mail. Such programming, to be further explained, is performed by the user 12 through the programming interface module 38. As stated above, the processing options which the system 10 may be programmed to perform include, but are not limited to, switching the call to another system, directing the call to another telecommunication terminal (FIGS. 1 and 2, block 18) or directly handling the call by either connecting the call to a particular party, disconnecting the call, or placing the call on hold (FIGS. 1 and 2, block 16).

Epstein et al. further teach that if the identity of the author cannot be identified, the message may be processed in accordance with the pre-programmed procedure for an unidentified author (step 224). Epstein et al. col. 9, lines 21-24. Thus, Epstein et al. teach dealing with a caller whose identity cannot be identified in accordance with a pre-programmed procedure by forwarding a call to voicemail, switching the call to another system, disconnecting, or placing the call on hold, for example. Epstein et al.'s disclosure of "a pre-programmed procedure" does not specifically teach or suggest the particular interaction of claim 1 of creating a storage folder for voice mail messages from the caller if the caller's identity does not match any known identities. Further, Epstein et al. do not teach the limitation of modifying a known identity based on a

received identity if the received identity matches the known identity. Accordingly, Applicants submit that claim 1 is in condition for allowance.

Applicants amend claim 24 to recite a similar limitation to that found in claim 1 and submit that claim 24 is also patentable. Applicants further submit that claims 4-5, 9-10, 27-28 and 30-31 are patentable inasmuch as they depend from patentable base claims and recite additional limitations therefrom. Accordingly, Applicants respectfully request that the 35 U.S.C. §103(a) rejection be withdrawn.

Rejection of Claims 8 and 29 Under 35 U.S.C. §103(a)

The Office Action rejects claims 8 and 29 under 35 U.S.C. §103(a) as being unpatentable over Epstein et al. in view of Kanevsky et al., and further in view of Murveit et al. (U.S. Patent No. 6,766,295) ("Murveit et al."). Applicants amend claim 8 to recite a similar limitation to that found in claim 1. The new limitation is not taught or suggested in Epstein et al., Kanevsky et al., or Murveit et al. Therefore, Applicants submit that claim 8 is patentable over the cited references.


Applicants submit that claim 29 is patentable over the cited references because it depends from claim 24, which is patentable as set forth above, and recites additional limitations therefrom. Accordingly, Applicants respectfully request that the 35 U.S.C. §103(a) rejection be withdrawn.

CONCLUSION

Having addressed all rejections and objections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited. If necessary, the Commissioner for Patents is authorized to charge or credit the **Novak, Druce & Quigg, LLP, Account No. 14-1437** for any deficiency or overpayment.

Respectfully submitted,

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By:  _____

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